

Remarks

Upon entry of the amendment, claims 1-9 and 14-15 will be pending in the application. Claim 1 has been amended. Support for the amendment to claim 1 appears in, e.g., original claim 10. New claims 14 and 15 are supported in the specification at page 9, lines 30-32. No new matter has been added.

Applicants submit with this amendment copies of the references originally submitted in the Information Disclosure Statement of Paper No.2.

Rejections for obviousness-type double-patenting

Claims 1, 2, and 11-13 are rejected for obviousness-type double patenting in view of claims 1 and 6 of US Patent No. 6, 126, 933. Claims 11-13 have been cancelled. Claim 1, from which depends claim 2, has been amended to incorporate the subject matter of claim 10, which is not subject to the rejection. Therefore, this rejection can be withdrawn.

Rejections under 35 USC 103(a)

Claims 1, 2, and 11-13 are rejected as obvious in view of claim 1 of US Patent No. 6, 126, 933. Claims 11-13 have been cancelled. Claim 1, from which depends claim 2, has been amended to incorporate the subject matter of claim 10, which is not subject to the rejection. Therefore, this rejection can be withdrawn.

Rejections under 35 USC § 112, first paragraph

Claims 1-13 are rejected for lack of enablement. The rejection is traversed to the extent it is applied to the claims as amended.

Solely in the interests of expediting prosecution, and without conceding that the originally claimed subject matter is not patentable, Applicants have amended claim 1 and claim 8 to specify that the recited disorder is gastroesophageal reflux disease, post-operative adynamic ileus or intolerance to oral feeding.

Applicants' specification teaches that IL-11 increases levels of motilin, a known gastrointestinal prokinetic gut hormone (see, page 3, lines 21-22). The specification additionally teaches that IL-11 is well-known in the art and can be used to various indications, including chemotherapy-induced thrombocytopenia (see, e.g., page 4 line 30- page 5, line 2) and various types of epithelial cell injury (page 5, lines 4-17). Also provided are references to the deposits of cloned human IL-11 and other descriptions of the human IL-11 sequences (page 6, line 27 to page 7, line 12). Applicants also provide formulation and dosage information for administering IL-11 (page 8, line 33 to page 9, line 34). Applicants submit that this knowledge available to one of ordinary skill in the art, coupled with the teachings of the specification, allow for practice of the claimed invention without undue experimentation. Reconsideration and withdrawal of the rejection for lack of enablement is requested.

Rejections under 35 USC 112, second paragraph

Claims 11-13 are rejected as indefinite, on various grounds. These claims have been cancelled. Therefore, this rejection can be withdrawn.

Rejections under 35 USC 102(b)

Claims 1-4 and 11-13 are rejected as anticipated by Du et al., Blood 23:33-37, 1994. The rejection is traversed to the extent it is applied to the claims as amended.

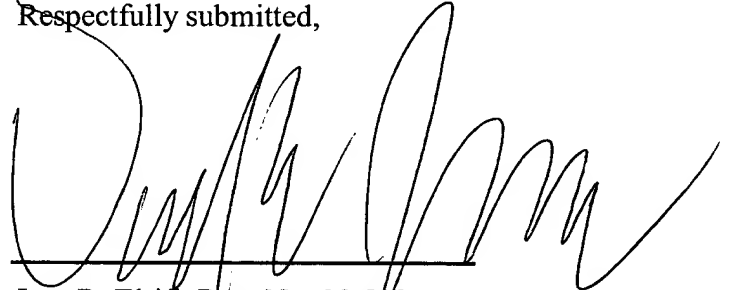
Claims 11-13 have been cancelled. Claim 1, from which depends claims 2-4, has been amended to incorporate the subject matter of claim 10, which is not subject to the rejection. Therefore, the rejection can be withdrawn.

CONCLUSION

Applicants submit that the application is in condition for allowance and such action is respectfully requested. Should any questions or issues arise concerning the application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

A petition for extension of time accompanies this response. The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the papers transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 22058-513CON).

Respectfully submitted,



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